THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12434_OF 2006

BETWEEN:

M/s.Super Acqua Mineral Water, rep. by its proprietor Smt.E.naga Lakshmi and 8 others

…Petitioners

vs.

The A.P.Central Power Distribution Compny Ltd., rep.by its Superintending Engineer(Operation) and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12434 OF 2006

ORAL ORDER

The nine (9) petitioners have challenged the action of the respondents in disconnecting the power to the petitioners' units without notice or opportunity and without intimating them the reasons for such action. They assert that they have been regularly paying the electricity consumption charges. They so paid the charges up to day and despite that the disconnection has been effected. The petitioners have established water purification units, asserted to have been established by obtaining loans from the banks and financial institutions and to have obtained the necessary permission therefor. They assert that there is no necessity for their establishments to obtain BIS specifications, as they are adhering to the specifications given by the Board of Indian Standards. The petitioners allege that suddenly the 3rd respondent came to their units and has disconnected power supply on 26-05-2006 and has given no reason for the same. They seek a declaration that the such disconnection of the power supply to the petitioners' units are illegal, arbitrary, violative of the principles of natural justice and further seek a direction to the respondents to forthwith restore the connections and not to disconnect it any time in future without following the due process of law.

Heard Sri J.Janaki Rami Reddy the learned counsel for the petitioner and Sri M.Sreeramulu Reddy learned Standing Counsel for the respondents.

The learned Standing Counsel for the respondents has obtained instructions from the respondents and makes a submission to this Court and requests that the writ petition be disposed of in terms of

the submission. It is stated that the District Collector, Kurnool had issued a communication to the 1st respondent directing disconnection of the electricity supply to the petitioners units on the ground that the petitioners' units are processing "*mineral water without obtaining ISI Certification from the Board of Indian Standards*". The learned Standing Counsel concedes that in clause 42.2 of the terms and conditions of the supply, which is admitted to be the legal instrument governing the relationship between the parties, the respondents are obligated to issue a notice, call for explanation, consider the same an only thereafter pass an order of disconnection of supply if the circumstances justify such a course of action. It is also admitted by the learned Standing Counsel for the respondents that the disconnection has been effected without such notice and opportunity. These submissions are made on obtaining instructions from the respondents, it is stated.

As the service connection to the petitioners has been disconnected even without intimating to them the reasons for disconnection, without issuing a notice, without calling for explanation and without passing an order for disconnecting the supply, the order of the respondents is patently illegal, arbitrary and grossly indisciplined besides being insensitive to the well established principles of administrative law.

As the respondents have acted wholly contrary to the established principles of law which obligate the conduct of the respondents and contrary to clause 42.2 of the terms and conditions of supply between the parties which govern the relationship between the parties and which condition is admittedly required to be followed by the respondents, the writ petition is allowed with costs of Rs.10,000/- (Rupees ten thousand only) payable by the respondents jointly and severally to the petitioners.

The writ petition is accordingly allowed. The respondents are directed to forthwith and in any event within 24 hours from the date of receipt of a copy of this Order restore the electricity supply to the petitioners' units without fail or demur and to pay costs awarded hereinabove within a period of three(3) weeks from the date of receipt of a copy of this Order.

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GODA RAGHURAM,J

27th JUNE 2006
*TSNR